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AMENDED IN SENATE SEPTEMBER 7, 2001

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AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

## ASSEMBLY BILL

**No. 60**

**Introduced by Assembly Member Cedillo**

**(Coauthors: Assembly Members Aroner, Chu, Diaz, Firebaugh,  
Goldberg, Keeley, Koretz, Reyes, Shelley, and Strom-Martin)**

**(Coauthors: Senators Escutia and Romero)**

December 4, 2000

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An act to amend Sections 1653.5, 12800, 12801, 12801.5, and 12801.8 of, and to add Section ~~1653.6~~ *15201.1* to, the Vehicle Code, relating to the Department of Motor Vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 60, as amended, Cedillo. Vehicles: social security number: driver's licenses: identification cards.

(1) Under existing law, every form prescribed by the Department of Motor Vehicles for use by an applicant for the issuance or renewal by the department of a driver's license or identification card is required to contain a section for the applicant's social security account number.

~~This bill would delete this requirement and would make related changes to reflect this deletion, additionally, would provide for inclusion of a federal taxpayer identification number.~~

~~(2) Existing law prohibits the disclosure of social security account numbers obtained by the department except for certain governmental purposes.~~

~~This bill would prohibit the department or its agents or employees from differentiating in any manner, other than for identification purposes, between applicants who possess and those applicants who do not possess a social security account number. Because any violation of a provision of the Vehicle Code is an infraction unless otherwise provided, this bill would expand the scope of an existing crime, thus imposing a state-mandated local program.~~

~~(3) Existing law requires the department to require every application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by the department.~~

~~This bill would revise these provisions to specify that if an applicant submits an affidavit signed under penalty of perjury, that he or she does not possess a social security number, and submits a *federal* taxpayer identification number, or other identifier, that is determined appropriate by the department, the submission of those documents shall be acceptable to the department until the applicant obtains a social security number. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program. This bill would prohibit the department from completing any application for a driver's license that does not include the applicant's social security number or the described affidavit and identifier document.~~

~~The bill also would require the department to require every applicant for an original driver's license or identification card, at the time of submission of the application, to establish his or her lawful immigration status or that the applicant's presence in the United States is authorized under federal law, as specified, or show, by documentation, as specified, that an application or petition for lawful immigration status or extension of legal presence, as specified, has been initiated on the applicant's behalf, or for another person whereby the applicant would be a derivative beneficiary.~~

~~The bill would require the department to issue a driver's license or identification card having a duration of 3 years to an applicant who complies with the above and who does not have a social security number~~



or is in the process of obtaining lawful immigration status from the United States Immigration and Naturalization Service.

The bill would require the department to adopt implementing regulations.

~~(4) Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law, and prohibits the issuance of an original driver's license or identification card to any person who does not submit satisfactory proof that his or her presence in the United States is authorized under federal law.~~

~~This bill would repeal these provisions.~~

~~(5) In the case of a legal, nonimmigrant driver's license applicant, existing law requires the department to issue a temporary driver's license, valid for 90 days, under specified conditions, and provides for the adjustment of the expiration date.~~

~~This bill would delete a provision requiring the department to adjust the expiration date of the driver's license in a specified manner.~~

~~(6)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. ~~Section 1653.5 of the Vehicle Code is amended~~  
2     ~~to read:~~  
3     ~~1653.5.—(a) Every form prescribed by the department for use~~  
4     ~~by an applicant for the issuance, renewal, or transfer of the~~  
5     ~~registration or certificate of title to a vehicle shall contain a section~~  
6     ~~for the applicant's driver's license or identification card number.~~  
7     ~~(b) Any natural person who submits to the department a form~~  
8     ~~that, pursuant to subdivision (a), contains a section for the~~  
9     ~~applicant's driver's license or identification card number shall~~  
10    ~~furnish the appropriate number in the space provided.~~

~~(c) The department shall not complete any application by a natural person that does not include the applicant's driver's license or identification card number as required by subdivision (b).~~

~~SEC. 2. Section 1653.6 is added to the Vehicle Code, to read:~~

~~1653.6. (a) An applicant's social security number shall not be included by the department on any driver's license, identification card, registration, certificate of title, or any other document issued by the department.~~

~~(b) Notwithstanding any other provision of law, information regarding an applicant's social security account number, obtained by the department pursuant to any section of this code, is not a public record and shall not be disclosed by the department, except for the following purposes:~~

~~(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (commencing with Section 601) of, or Part D (commencing with Section 651) of, Subchapter IV of Chapter 7 of Title 42 of the United States Code.~~

~~(2) Implementation of Section 12419.10 of the Government Code.~~

~~(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration and nontax debt collection.~~

~~(c) The department, or its agents or employees, shall not differentiate in any manner, other than for identification purposes, between applicants who possess, and those applicants who do not possess, a social security account number.~~

~~SEC. 3.—~~

~~SECTION 1. Section 1653.5 of the Vehicle Code is amended to read:~~

~~1653.5. (a) Every form prescribed by the department for use by an applicant for the issuance or renewal by the department of a driver's license or identification card pursuant to Division 6 (commencing with Section 12500) shall contain a section for either the applicant's social security account number, or, if the driver's license or identification card is issued pursuant to Section 12801, a federal taxpayer identification number.~~

~~(b) Every form prescribed by the department for use by an applicant for the issuance, renewal, or transfer of the registration~~

or certificate of title to a vehicle shall contain a section for the applicant's driver's license or identification card number.

(c) Any person who submits to the department a form that, pursuant to subdivision (a), contains a section for the applicant's social security account number *or federal taxpayer identification number*, or pursuant to subdivision (b), the applicant's driver's license or identification card number, if any, shall furnish the appropriate number in the space provided.

(d) The department shall not complete any application that does not include the applicant's social security account number, *federal taxpayer identification number*, or driver's license or identification card number as required by subdivision (c).

(e) An applicant's social security account number *or federal taxpayer identification number* shall not be included by the department on any driver's license, identification card, registration, certificate of title, or any other document issued by the department.

(f) Notwithstanding any other provision of law, information regarding an applicant's social security account number *or federal taxpayer identification number*, obtained by the department pursuant to this section, is not a public record and shall not be disclosed by the department except for any of the following purposes:

(1) Responding to a request for information from an agency operating pursuant to, and carrying out the provisions of, Part A (Aid to Families with Dependent Children), or Part D (Child Support and Establishment of Paternity), of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(2) Implementation of Section 12419.10 of the Government Code.

(3) Responding to information requests from the Franchise Tax Board for the purpose of tax administration *and nontax debt collection*.

*SEC. 2.* Section 12800 of the Vehicle Code is amended to read:

12800. Every application for an original or a renewal of, a driver's license shall contain all of the following information:

(a) The applicant's true full name, age, sex, mailing address, ~~and residence address.~~ *residence address, and, except as provided in Section 12801, a social security number.*

1 (b) A brief description of the applicant for the purpose of  
2 identification.

3 (c) A legible print of the thumb or finger of the applicant.

4 (d) The type of motor vehicle or combination of vehicles the  
5 applicant desires to operate.

6 (e) Whether the applicant has ever previously been licensed as  
7 a driver and, if so, when and in what state or country and whether  
8 or not the license has been suspended or revoked and, if so, the date  
9 of and reason for the suspension or revocation.

10 (f) Whether the applicant has ever previously been refused a  
11 driver's license in this state and, if so, the date of and the reason  
12 for the refusal.

13 (g) Whether the applicant, within the last three years, has  
14 experienced, on one or more occasions, either a lapse of  
15 consciousness or an episode of marked confusion caused by any  
16 condition which may bring about recurrent lapses, or whether the  
17 applicant has any disease, disorder, or disability which affects  
18 ability to exercise reasonable and ordinary control in operating a  
19 motor vehicle upon a highway.

20 (h) Whether the applicant understands traffic signs and signals.

21 (i) Whether the applicant has ever previously been issued an  
22 identification card by the department.

23 (j) Any other information necessary to enable the department  
24 to determine whether the applicant is entitled to a license under this  
25 code.

26 ~~SEC. 4.~~—

27 SEC. 3. Section 12801 of the Vehicle Code is amended to  
28 read:

29 12801. (a) (1) Notwithstanding any other provision of law,  
30 the department shall require every application for a driver's license  
31 to contain the applicant's social security number *and any other*  
32 *number or identifier determined to be appropriate by the*  
33 *department.*

34 (2) If an applicant signs an affidavit under penalty of perjury  
35 attesting that he or she does not possess a social security number  
36 and submits a *federal* taxpayer identification number or other  
37 identifier, that is determined to be appropriate by the department,  
38 the submission of those documents shall be acceptable ~~by~~ *to* the  
39 department in lieu of a social security number until the applicant  
40 obtains a social security number. Upon obtaining a social security



1 number, the applicant shall provide the social security number  
2 pursuant to paragraph (1).

3 (3) The department shall not complete any application for a  
4 driver's license that does not include the applicant's social security  
5 number or an affidavit and document pursuant to paragraph (2).

6 (4) *The department shall require proof of identity acceptable to*  
7 *the department prior to completing an application for a driver's*  
8 *license or identification card.*

9 (b) Notwithstanding any other law, no information relating to  
10 social security numbers collected on a driver's license application  
11 shall be displayed on any registration, certificate of title, or any  
12 other document issued by the department, or on the identification  
13 card or on the driver's license, including, but not limited to,  
14 inclusion on any magnetic tape or strip used to store data on the  
15 license or identification card.

16 (c) (1) The department also shall require every applicant for an  
17 original driver's license or identification card, at the time of  
18 submitting the application, to do either of the following:

19 (A) Establish his or her lawful immigration status or that the  
20 applicant's presence in the United States is authorized under  
21 federal law.

22 (B) Show by documentation *acceptable to the department* that  
23 an application or petition for lawful immigration status or  
24 extension of legal presence has been initiated by the applicant or  
25 by another person on the applicant's behalf. For these purposes, the  
26 applicant may produce evidence to the department that an  
27 application or petition for lawful immigration status or extension  
28 of legal presence has been initiated for another person whereby the  
29 applicant would be a derivative beneficiary.

30 (2) For purposes of subparagraph (B) of paragraph (1),  
31 documentation status may include any of the following:

32 (A) A receipt from the United States Immigration and  
33 Naturalization Service stating that an application or petition has  
34 been submitted.

35 (B) An approval notice from the United States Immigration  
36 and Naturalization Service stating that an application or petition  
37 has been received.

38 (C) An application for an extension of I-94 to extend an  
39 applicant's legal presence.



(3) The following documents are acceptable applications or petitions for purposes of subparagraphs (A) and (B) of paragraph (2):

(A) Petition for Alien Relative (I-130).

(B) Immigrant Petition for Alien Worker (I-140).

(C) Petition for Amerasian, Widow(er), or Special Immigrant (I-360).

(D) Application to Register Permanent Residence or to Adjust Status (I-485).

(E) Immigrant Petition By Alien Entrepreneur (I-526).

(F) Application for Asylum (I-589).

(G) Registration for Classification as a Refugee (I-590).

(H) Application to Adjust Status from Temporary to Permanent Resident (I-698).

(I) Application for Voluntary Departure Under the Family Unity Program (I-817).

(J) Application for Temporary Protected Status (I-821).

(K) Nicaraguan and Central American Relief Act-Suspension of Deportation or Application for Special Rule Cancellation of Removal (I-881).

(L) Application for an extension of a I-94.

(M) *Any other federal documentation used to obtain lawful immigration status.*

(d) Notwithstanding Sections 12814, 12814.5, and 13002 or any other provision of law, upon submitting the signed affidavit and document described in paragraph (2) *of subdivision (a)*, an applicant who does not have a social security number ~~or~~ *and* is in the process of obtaining lawful immigration status from the United States Immigration and Naturalization Service shall be issued a driver's license or identification card having a duration of three years.

(e) (1) Notwithstanding any other provision of law, neither the department, nor its agents or employees, shall disclose any information about an applicant's social security number, absence of a social security number, or any other information collected pursuant to this section, to any public or private entity, except as ~~permitted by federal or state law, nor shall the department, or its agents or employees, differentiate in any manner, other than for identification purposes, between applicants who do or do not have a social security number.~~ *permitted by federal or state law.*



(2) Paragraph (1) does not apply to information described in paragraph (1) that is disclosed by the department in response to information requests for either of the following:

(A) The Franchise Tax Board for the purpose of tax administration and nontax debt collection.

(B) An agency operating pursuant to, and carrying out the provisions of, Part A (commencing with Section 601) of, or Part D (commencing with Section 651) of, Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(f) The department shall adopt regulations to carry out the purposes of this section, including procedures for, but not limited to, appeal hearings from denials of driver's licenses, temporary driver's licenses, or identification cards.

~~SEC. 5.~~—*purposes of this section, including, but not limited to, both of the following:*

*(1) Providing a process to hear appeals from denials of driver's licenses, temporary driver's licenses, or identification cards.*

*(2) Development of procedures governing the methods used by the department to verify the documentation provided by the applicant pursuant to this section.*

~~SEC. 4.~~ Section 12801.5 of the Vehicle Code is amended to read:

~~12801.5. Notwithstanding~~ *(a) On January 10 of each year, the department shall submit a supplemental budget report to the Governor and the Legislature detailing the costs of verifying the citizenship or legal residency of applicants for driver's licenses and identification cards, in order for the state to request reimbursement from the federal government.*

*(b) Notwithstanding Section 40300 or any other provision of law, a peace officer shall not detain or arrest a person solely on the belief that the person is an unlicensed driver, unless the officer has reasonable cause to believe the person driving is under the age of 16 years.*

*(c) The inability to obtain a driver's license pursuant to this section does not abrogate or diminish in any respect the legal requirement of every driver in this state to obey the motor vehicle laws of this state, including laws with respect to licensing, motor vehicle registration, and financial responsibility.*

~~SEC. 6.~~—

1 SEC. 5. Section 12801.8 of the Vehicle Code is amended to  
2 read:

3 12801.8. (a) The department shall ~~issue a temporary driver's~~  
4 ~~license, valid for 90 days, if the applicant has successfully~~  
5 ~~completed the application and the related requirements for the~~  
6 ~~issuance of a driver's license under this code, including~~  
7 ~~subdivision (a) of Section 12805. If the United States Immigration~~  
8 ~~and Naturalization Service is unable to verify the applicant's~~  
9 ~~presence before the temporary driver's license expires, the~~  
10 ~~department shall, at least 15 days before the temporary driver's~~  
11 ~~license expires, extend the temporary driver's license for an~~  
12 ~~additional 120 days and notify the applicant by mail that the~~  
13 ~~temporary driver's license is being extended.~~

14 (b) ~~If the department adjusts the expiration date of any driver's~~  
15 ~~license issued pursuant to this code so that the date does not exceed~~  
16 ~~the expiration date of a federal document submitted pursuant to~~  
17 ~~paragraph (1) of subdivision (c) of Section 12801, the applicant~~  
18 ~~may, upon receipt of a notice of renewal of the driver's license by~~  
19 ~~the department sent prior to the expiration of the license, request~~  
20 ~~an extension of the term of the driver's license by submitting to the~~  
21 ~~department satisfactory proof that the applicant's presence in the~~  
22 ~~United States has been reauthorized or extended under federal law.~~

23 (c) ~~The department shall establish a procedure for receiving~~  
24 ~~mailed requests for the extension of driver's licenses as described~~  
25 ~~in this section. develop regulations to establish the validity period~~  
26 ~~of any temporary license issued under Section 12801 and to specify~~  
27 ~~the process by which temporary licenses may be extended or~~  
28 ~~reissued.~~

29 SEC. 6. Section 15201.1 is added to the Vehicle Code, to read.

30 15201.1. Notwithstanding any other provision of law, a  
31 commercial driver's license applicant shall include the applicant's  
32 social security number in the application.

33 SEC. 7. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section 17556 of  
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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